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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 10/057,357 | 01/24/2002 | Christopher F. O'Hare | A34871 | 2008 |

21003 7590 12/19/2002

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EXAMINER

SINGH, SUNIL

ART UNIT PAPER NUMBER

3673

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/057,357

Applicant(s)
O'Hare

Examiner
Sunil Singh

Art Unit
3673



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Mar 1, 2002 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is confusing how pouring concrete into a hole now makes the concrete reinforced.

Claim 2 line 1, "and" appears as if it should be --of--.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Altemus (US 6161357).

Altemus discloses a module comprising a concrete block (10), at least one through hole (14), at least one projection (38), at least one recess (42).

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5. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Makram (US 2201110).

Makram discloses a module comprising a concrete block, at least one through hole, at least one projection, at least one recess (see Figs. 1-3, 7).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1,2,6-10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altemus in view of Karnas or Suzuki (US 4341489, 4508057).

Altemus discloses the invention substantially as claimed. However, Altemus is silent about his concrete block/module being used as an artificial reef. Karnas and Suzuki both teach concrete block/module being used as artificial reef (see Figs. 1,2 and 22 respectively). It would have been considered obvious to one of ordinary skill in the art to modify Altemus and use his concrete block/module as an artificial reef as taught by either Karnas or Suzuki since such a structure

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would more effectively withstand tidal current meaning not topple over or move thus defeating its intended purpose.

With regards to claim 7, the (once modified) Altemus is silent about the reinforcing rod being fiberglass. Reinforcing rods being made out of fiberglass are well known and old in the art. It would have been considered obvious to one of ordinary skill in the art to modify the (once modified) Altemus by making the reinforcing rods out of fiberglass since this would prevent rusting.

With regards to claims 9 and 10, the (once modified) Altemus is silent about his projections and recess being frustoconical and hemispherical in shape. Projections and their corresponding recesses being frustoconical and hemispherical in shape are well known and old in the art. It would have been considered obvious to one of ordinary skill in the art to modify the (once modified) Altemus by making his projections and recesses frustoconical or hemispherical in shape since this is a mere design choice.

8. Claims 1, 3, 4, 5, 7, 9, 10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makram in view of Karnas or Suzuki (US 4341489, 4508057).

Makram discloses the invention substantially as claimed. However, Altemus is silent about his concrete block/module being used as an artificial reef. Karnas and Suzuki both teach concrete block/module being used as artificial reef (see Figs. 1,2 and 22 respectively). It would

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have been considered obvious to one of ordinary skill in the art to modify Makram and use his concrete block/module as an artificial reef as taught by either Karnas or Suzuki since such a structure would more effectively withstand tidal current meaning not topple over or move thus defeating its intended purpose.

With regards to claim 7, the (once modified) Makram is silent about the reinforcing rod being fiberglass. Reinforcing rods being made out of fiberglass are well known and old in the art. It would have been considered obvious to one of ordinary skill in the art to modify the (once modified) Makram by making the reinforcing rods out of fiberglass since this would prevent rusting.

With regards to claim 10, the (once modified) Makram is silent about his projections and recess being hemispherical in shape. Projections and their corresponding recesses being hemispherical in shape are well known and old in the art. It would have been considered obvious to one of ordinary skill in the art to modify the (once modified) Makram by making his projections and recesses hemispherical in shape since this is a mere design choice.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (703) 308-4024. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

Sunil Singh



Patent Examiner

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12/11/02